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## Now more than ever, fair school funding

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4-5 minutes

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In the coming school year, public school districts will confront escalating costs as they strive to meet students' increased needs during the coronavirus crisis. At the same time, they are facing major budget cuts as the state contends with large revenue shortfalls.

The impact of this crisis, like other effects of the pandemic, can be expected to fall disproportionately on Black and Brown and low-income communities whose schools were starkly underfunded before COVID hit.

In 2003, we led the Campaign for Fiscal Equity (CFE), a coalition of parents and community groups that obtained a landmark ruling from the Court of Appeals, New York's highest court.

The court declared that every student in New York State has a constitutional right to a meaningful opportunity to obtain the knowledge and skills they need to be capable civic participants and to compete for decent jobs. The court ordered the state to determine the actual cost of providing such educational opportunities and to implement an equitable, needs-based funding formula to provide all students a sound basic education.

Over the course of the past 15 years, the state has failed to comply with this ruling. As a result, the public has come to view the underfunding of schools and districts that predominantly serve low-income and Black and Brown students as normal and inevitable. It is not.

Although Gov. Cuomo has been a true hero in leading this state in the fight against COVID-19, for the past decade he has been the main impediment to the realization of the constitutional right of all students to meaningful educational opportunities. Despite repeated pleas from the Regents to fully fund the foundation aid formula developed in response to the CFE litigation, the governor has refused, and [the formula is still underfunded by about \\$3.8 billion per year](#), most of it owed to high-need districts.

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Instead of using the approximately \$1 billion provided by the federal CARES act to help schools deal with the enormous added costs of educating students during this pandemic, [the governor used the money](#) to compensate for a \$1 billion reduction in state aid for the coming school year. Unless the federal government provides more money to help cover revenue gaps, the governor promises more cuts.

The governor's refusal to fairly fund education has forced us to return to court. A coalition of statewide education organizations, parents and students is currently preparing for trial in *New Yorkers for Students' Educational Rights (NYSER) vs. State of New York*. Ironically, Attorney General Tish James, who campaigned for office

as “the people’s lawyer,” is not only defending the governor’s attempt to deny millions of students their constitutional rights; she has retained the same Atlanta law firm [that was paid more than \\$8 million in legal fees](#) to join the state’s losing cause in the CFE litigation. (Two major New York law firms are working for the NYSER plaintiffs *pro bono*.)

The pandemic has starkly exposed the terrible extent of social vulnerabilities and inequities New York has long ignored or thought too complex or politically risky to confront. This is not a time to perpetuate and magnify these inequities.

Public understanding of the true value of teachers and schools has never been greater, and people throughout the state are committed to ending structural inequities. The public will support meeting students’ needs, and the very wealthy will accept the higher tax burden that is necessary to do so.

The governor and the attorney general should settle the new litigation and join with the coalition that brought the case to calculate the actual cost of properly educating the state’s children during this crisis and to establish a new funding system that will ensure on a permanent basis an equitable and cost-effective system for ending opportunity gaps and educating all of the state’s children.

*Jackson and Rebell co-founded the Campaign for Fiscal Equity. Mr. Jackson is a state senator and Rebell is co-counsel for plaintiffs in the NYSER litigation and a professor of law and education at Columbia University.*